

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

EDWARD A. McCARTHY,

Plaintiff,

V.

McLANE COMPANY, INC. and
CONSTRUCTION MANAGEMENT
TECHNOLOGY,

Defendants.

CIVIL ACTION
NO.: 04-10335-RWZ

JOINT STATEMENT

The plaintiff, Edward A. McCarthy, and defendant McLane Company, Inc. (“McLane”) submit the following Joint Statement pursuant to this Court’s Notice of Scheduling Conference, and agree as follows:

Joint Discovery Plan.

The parties propose the following discovery plan for the conduct of this litigation:

1. Other parties may be joined and the pleadings may be amended in accordance with Fed. R. Civ. P.14 and 15.
2. Initial disclosures under Fed. R. Civ. P. 26(a)(1) to be filed by May 28, 2004.
3. Non-expert witness and fact discovery, including all depositions, must be concluded by January 31, 2005.
4. Plaintiff's expert witnesses must be disclosed pursuant to Fed. R. Civ. P. 26(a)(2) and expert's report(s) under Fed. R. Civ. P. 26(a)(2)(B) served by February 28, 2005.

5. Defendant's expert witnesses must be disclosed pursuant to Fed. R. Civ. P. 26(a)(2) and expert's reports under Fed. R. Civ. P. 26(a)(2)(B) served by April 5, 2005.
6. Expert witness depositions pursuant to Fed. R. Civ. P. 26(a)(2) must be taken by June 30, 2005.

I. Proposed Schedule for Filing of Motions.

1. Parties may file motions to compel and seek other orders of the court as the need arises, subject to the provisions of this Court's Local Rules.
2. Dispositive motions must be filed no later than August 1, 2005.
3. The Court shall determine dates for a final pre-trial conference and for trial after the completion of discovery and determination of any dispositive motions filed by the parties.
4. Pursuant to Rule 26(f), the parties recommend no change "in the timing, form, or requirement for disclosures under subdivision (a) or local rule."

II. Certifications Under Local Rule 16.1(D)(3).

Certifications required under Local Rule 16.1 (D)(3) are attached hereto or will be submitted separately by each party by the time of the scheduling conference.

At this time, the parties do not consent to submit this case to a magistrate judge.

Respectfully submitted,

EDWARD A. McCARTHY

McLANE COMPANY, INC.

By his attorney,

By its attorney,

“/s/ _____”
George A. Malliaros (BBO # 315940)
1794 Bridge Street, Suite 22B
Dracut, MA 01826
(978) 452-6641

“/s/ _____”
Wesley S. Chused (BBO #083520)
LOONEY & GROSSMAN LLP
101 Arch Street
Boston, MA 02110
(617) 951-2800

CONSTRUCTION MANAGEMENT
TECHNOLOGY

By its attorney,

“/s/ _____”
Patrick M. McCormack (BBO # 546194)
Law Offices of Jacqueline L. Allen
262 Washington Street, Suite 601
Boston, MA 02108
(617) 878-4614

April 14, 2004